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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/955,671

09/19/2001

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05/11/2007

EXAMINER

CHAET, MARISSA W

ART UNIT

PAPER NUMBER

1722

MAIL DATE

DELIVERY MODE

05/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/955,671

Applicant(s)

REDDY, SAIL KATTA

Examiner

Marissa W. Chaet, Esq.

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Turner (US 2,246,424).
3. Regarding claim 1, Turner teaches an apparatus comprising (1) a top portion having certain weight; (2) a top portion including an upper surface of the apparatus; (3) a top portion having a bottom surface; (4) a plurality of nail like objects supported by the bottom surface of the top portion; (5) a plurality of nail like objects arranged in a fixed pattern; and (6) handles being arranged in a fixed pattern. See Fig. 2, #1 (top portion with bottom surface), #9 (handles), #14 (nail like objects); col. 2, line 29 – col. 4, line 22.
4. Regarding claim 2, Turner teaches a top portion with weight to provide pressure on the nail like objects. See Fig. 2.
5. Regarding claim 3, Turner teaches a top portion with a bottom surfaces with a plurality of nail like objects arranged in a fixed pattern. See Fig. 2-5; col. 3, lines 21-38.
6. Regarding claim 4, Turner teaches an apparatus manually lowered directly onto the dough layer. See col. 3, lines 17-20; col. 3, line 67 – col. 4, line 22.
7. Regarding claim 5, Turner teaches nail like objects having narrow, pointed ends. See Fig. 2, #14; col. 3, lines 21-38.

8. Regarding claim 6, Turner teaches a plurality of nail like objects with pointed ends that are pointed downwards in the direction of gravity. See Fig. 2, #14.
9. Regarding claim 7, Turner teaches a pair handles that are attached to the circular rim of the top portion in a fixed pattern. See Fig. 2, #9; col. 3, lines 17-20; col. 3, line 67 – col. 4, line 22.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (US 5,405,627) in view of Leiby (US 3,234,895).
12. Regarding claim 1, Ito teaches an apparatus comprising (1) a top portion having certain weight; (2) a top portion including an upper surface of the apparatus; (3) a top portion having a bottom surface; (4) a plurality of nail like objects supported by the bottom surface of the top portion; and (5) a plurality of nail like objects arranged in a fixed pattern. See Fig. 5-10; col. 4, line 3 – col. 5, line 7. Ito does not teach handles. However, Leiby teaches handles being arranged in a fixed pattern. See Fig. 5, #74; col. 3, lines 44-50. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide handles, as suggested by Leiby, so that one can easily press the apparatus downward onto the dough.

13. Regarding claim 1, Ito teaches an apparatus comprising (1) a top portion having certain weight; (2) a top portion including an upper surface of the apparatus; (3) a top portion having a bottom surface; (4) a plurality of nail like objects supported by the bottom surface of the top portion; and (5) a plurality of nail like objects arranged in a fixed pattern. See Fig. 5-10; col. 4, line 3 – col. 5, line 7. Ito does not teach handles. However, Leiby teaches handles being arranged in a fixed pattern. See Fig. 3, #24; col. 2, lines 19-34. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide handles, as suggested by Leiby, so that one can easily press the apparatus downward onto the dough.

14. Regarding claim 2, Ito teaches a top portion with weight to provide pressure on the nail like objects. See Fig. 5.

15. Regarding claim 3, Ito teaches a top portion with a bottom surfaces with a plurality of nail like objects arranged in a fixed pattern. See Fig. 5; col. 4, lines 3-18.

16. Regarding claim 4, Ito teaches an apparatus manually lowered directly onto the dough layer. See col. 4, line 65 – col. 5, line 7.

17. Regarding claim 5, Ito teaches nail like objects having narrow, pointed ends. See Fig. 5; col. 4, lines 3-18.

18. Regarding claim 6, Ito teaches a plurality of nail like objects with pointed ends that are pointed downwards in the direction of gravity. See Fig. 5; col. 4, lines 3-18.

19. Regarding claim 7, Ito does not teach handles. However, Leiby teaches handles being arranged in a fixed pattern. See Fig. 5, #74; col. 3, lines 44-50. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to

provide handles, as suggested by Leiby, so that one can easily press the apparatus downward onto the dough.

20. Regarding claim 7, Ito does not teach handles. However, Leiby teaches handles being arranged in a fixed pattern. See Fig. 3, #24; col. 2, lines 19-34. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide handles, as suggested by Leiby, so that one can easily press the apparatus downward onto the dough.

### ***Response to Arguments***

Applicant's arguments filed April 17, 2007 have been fully considered but unfortunately they are not persuasive. It is noted that Examiner is interpreting "a top portion" cited three times in the first claim, to be the same top portion.

Applicant argues that the handles in the instant invention are not intended to be used while pressing the apparatus downwards onto the dough. However, as stated in the Specification on page 7, the user places his or her palms on the handles to lower the apparatus down onto the dough with the option of applying additional pressure if the weight of the apparatus itself isn't enough to penetrate the dough. Thus, the handles are a part of the method of pressing the apparatus downward onto the dough.

Applicant suggests possible modifications to the claims, but has not formally submitted the modifications as amendments to the claims. Applicant states that the handles can be arranged in any desired pattern. However, this modification would introduce new matter which would go beyond the scope of the disclosure which is not allowed under 35 U.S.C. 132(a). 35 U.S.C. 132(a) states that no amendment shall

introduce new matter into the disclosure of the invention. The Specification on page 6 supports handles that face opposite to each other, like earlobes. In addition, the option of placing the handles side-by-side would make it difficult for the user to lower and press the apparatus downward onto the dough. Furthermore, Applicant's statements regarding the weight of the apparatus and the top portion having threaded holes would constitute new issues because they were not initially stated in the claims.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa W. Chaet, Esq. whose telephone number is 571-272-8094. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWC  
May 7, 2007

  
TIM HEITBRINK  
PRIMARY EXAMINER  
GROUP ~~130~~ 1722  
5-9-07